



## TOWN OF WILBRAHAM

Zoning Board of Appeals  
240 Springfield Street  
Wilbraham, Massachusetts 01095

### MINUTES OF THE WILBRAHAM BOARD OF APPEALS MEETING THURSDAY, SEPTEMBER 22, 2016

In Attendance: Edward Kivari Jr., Chair; Mark Albano, H. Clark Abbott, Betsy Johnsen, Associate  
Staff: Lance Trevallion, Zoning Enforcement Officer  
John Pearsall, Planning Director  
Heather Kmelius, Administrative Assistant

The meeting was called to order at 5:31 PM by Chairman Kivari.

1. **Approval of Minutes**

Chairman Kivari called for a motion to approve the minutes of the August 4, 2016 meeting as submitted.

**MOTION (Albano, Kivari): To approve the minutes of August 4, 2016 as submitted. Approved (4-0).**

2. **Public Hearing**

**Special Permit – East Springfield Veterinary Hospital, Inc.**

**2424 Boston Road**

(Digitally recorded)

Chairman Kivari opened the public hearing at 5:31 P M and read the legal notice into record. Keith Terry of Sherman & Frydryk presented project site plans for the new veterinary hospital building that Wilbraham natives Amy Zander and Andrew Hersman of East Springfield Veterinary Hospital, Inc., would like to construct to replace the existing building on the same footprint on the half acre lot. Chairman Kivari stated that reconstruction of a non-conforming building on a non-conforming lot is allowed with a Special Permit finding from the ZBA. Amy Zander and Andrew Hersman currently operate a veterinary hospital in Springfield and are looking to acquire the Wilbraham Animal Hospital from retiring Dr. Robert Rowe as an additional practice. Crocker Building Company presented the new building plans of the two story colonial style building with the hospital on the first floor and office space and a mechanical room on the second floor. The foundation will be replaced. The parking area, with a total of 21 parking spaces, will remain on the west portion of the lot, with an additional parking area in front of the building. The practice will operate with a total of 15-20 employees, with about eight staff reporting per shift. The practice will operate Monday through Thursday from 8:00 AM to 9:00 PM, Friday from 8:00 AM to 5:00 PM and Saturday from 8:00 AM to 2:00 PM. Surgeries will be scheduled on Tuesdays and Thursdays. The practice will not board any animals or keep animals overnight. Jim Diotalevi, resident of 16 Glen Drive, shared his approval for this project. The public hearing was closed at 6:05 PM.

**MOTION (Albano, Abbott): To approve the special permit subject to conditions outlined in the draft decision. Approved (4-0).**

The Board signed the approved site plan.

3. **Public Hearing**  
**Special Permit – Amendment/New Special Permit**  
**Prime Storage Boston Road, LLC**  
**2535 Boston Road**  
(Digitally recorded)

Board Member H. Clark Abbott recused himself because of potential conflict of interest concerns.

Chairman Kivari opened the public hearing at 6:06 PM and read the legal notice into record. Planning Director John Pearsall noted that the current legal notice references By-Law 3.4.6.2 and that it should also have referenced By-Law 3.4.5.18.

Prime Storage Boston Road, LLC, represented by Attorney Tom Reidy of Bacon Wilson, will purchase this property and the Wilbraham Self Storage business from Jim Ericola of EBR LLC, represented by Attorney Lee Seabury, with approval of this new Special Permit. The building and business will remain unchanged following the proposed change in ownership. Attorney Reidy stated that the applicant would like a new permit issued that will run with the land in the future, rather than an amendment to the existing permit. This request's purpose is to facilitate bank lending when there is insufficient collateral; therefore, a new permit is preferred for future ease of administration. Attorney Reidy reported that the lender in this proposed transaction will not provide funding if a new Special Permit that runs with the land is not approved.

In response to the question from Joanne Scagliarini, resident of 70 Grant Street, it was confirmed that the proposed new owner does not have plans to extend the existing building onto adjacent vacant property. The public hearing was closed at 6:36 PM.

**MOTION (Albano, Johnsen): To approve the special permit subject to conditions outlined in the draft decision. Approved (3-0) with Abbott recused and Johnsen voting as the Alternate Voting Member.**

The Board signed the approved site plan.

4. **Public Hearing**  
**Special Permit – Amendment/New Special Permit**  
**Prime Group Wilbraham, LLC**  
**2346-2350 Boston Road**  
(Digitally recorded)

Board Member H. Clark Abbott recused himself because of potential conflict of interest concerns.

Chairman Kivari opened the public hearing at 6:42 PM and read the legal notice into record. Prime Group Wilbraham, LLC, a New York based company that owns storage facilities nationally, represented by Attorney Tom Reidy of Bacon Wilson, proposes to purchase the property and storage facility business if a new special permit that is approved to run with the land in the future in this matter is granted. The new permit is a requirement for the lender in this matter to provide financing approval. The building and business will remain unchanged following the proposed change in ownership.

Attorney Reidy requested a variance in this matter as a small portion of the building measuring approximately five inches is outside of the required setbacks according to MGL. The public hearing was closed at 7:08 PM.

**MOTION (Albano, Johnsen): To approve the special permit subject to conditions outlined in the draft decision. Approved (3-0) with Abbott recused and Johnsen voting as the Alternate Voting Member.**

**MOTION (Albano, Johnsen): To approve the variance subject to conditions outlined in the draft decision. Approved (3-0) with Abbott recused and Johnsen voting as the Alternate Voting Member.**

The Board signed the approved site plan.

5. **Public Hearing**  
**Special Permit – Family Day Care Home**  
**Ashley & Michael Walker, 6 Pine Drive**

(Digitally recorded)

Chairman Kivari opened the public hearing at 7:10 PM and read the legal notice into record. Ashley Walker proposed plans to move the home based Little Tykes Daycare with a maximum of ten children from 57 Bartlett Avenue to her new residence at 6 Pine Drive. Mrs. Walker is in the process of installing a second bathroom in her finished basement and finalizing renovations for state licensure. Although the Department of Early Education and Care, the Massachusetts childcare licensing authority, does not require Mrs. Walker to have a fence, Mrs. Walker states that she plans to install one in the spring of 2017. Mrs. Walker intends for the home daycare to be operational in four weeks.

The hours of operation will be 7:00 AM to 5:00 PM Monday through Friday with child drop off times from 7:00 AM to 9:00 AM and pick up times from 3:30 PM – 5:00 PM with exceptions due to emergencies and unplanned schedule changes. Angela Gomes, resident of 11 Pine Drive, stated concerns about daycare patrons' speed of travel and concern that they will be doing three point turns on the dead end road creating traffic congestion issues. The Pelletier family, longtime residents of 4 Pine Drive also expressed concern about hazardous on-street parking and child safety.

The Board was previously briefed regarding the Appeal of Enforcement Order public hearing issue to take place at 6:30 PM this evening involving Little Tykes Daycare and the neighbors of 57 Bartlett Avenue. The Board has no issues with the proposed home daycare. Based on the pending enforcement order, the Board approved the special permit in this matter with a condition of a thirty day completion date. The public hearing was closed at 8:02 PM.

**MOTION (Albano, Johnsen): To approve the special permit subject to conditions outlined in the draft decision as amended. Approved (4-0).**

The Board approved and signed the site plan.

6. **Public Hearing**  
**Appeal of Enforcement Order**  
**Beverly Gore, 57 Bartlett Avenue**

(Digitally recorded)

Chairman Kivari opened the public hearing at 8:03 PM and read the legal notice into record. Attorney Rebecca Thibault, representing Beverly Gore, requested a continuance in this matter based on the outcome of the Special Permit approval for a Family Day Care Home at 6 Pine Drive issued by the Board moving the Little Tykes Daycare. In the event that an appeal is not filed regarding Mrs. Walker's Special Permit and Mrs. Walker is able to open her daycare in thirty days, the need for this enforcement order would be alleviated. The public hearing was closed at 8:10 PM.

**MOTION (Kivari, Johnsen): To continue the public hearing to Thursday, October 27, 2016 at 5:30 PM. Approved (4-0).**

Having no further business, the meeting was adjourned at 8:10 PM. The Board of Appeals will reconvene on October 27, 2016 at 5:15 PM.

Submitted:

  
Heather Kmelius, Administrative Assistant

Approved As To Form And Content:

  
Edward Kivari Jr., Chairman

Date: \_\_\_\_\_